

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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SHERRIE E. BURKES,

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner of
Social Security.

Defendant.

Case No. 2:12-cv-01185 -APG-VCF

ORDER

On October 22, 2012, Defendant Michael J. Astrue filed a Motion to Dismiss [Dkt. #9]. Plaintiff has not filed a response to that motion, despite the Court granting at least two extensions of the response deadline. [Dkt. ## 13, 15.] To date, Plaintiff has not filed an opposition to Defendant's Motion to Dismiss. On September 5, 2013, Magistrate Judge Ferenbach entered his Report and Recommendation [Dkt. #16] recommending dismissal of this action. No objection has been filed to that Report and Recommendation. The Court has conducted a *de novo* review of the issues set forth in the Amended Complaint and the Report and Recommendation, pursuant to Local Rule IB 3-2. Magistrate Judge Ferenbach's Report and Recommendation sets forth the proper legal analysis, and the factual basis, for the decision. Therefore,

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1 **IT IS HEREBY ORDERED** that the Report and Recommendation is accepted,
2 Defendants' Motion to Dismiss is GRANTED, and this case is DISMISSED. The clerk of
3 the court shall enter Judgment accordingly.

4 Dated: October 7, 2013.



ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE